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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/687,985

Applicant(s)

DUDKIEWICZ ET AL.

Examiner

JASON K. LIN

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-25 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 10/17/2003, 04/13/2007
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Inventor's Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This office action is responsive to application No. 10/687,985 filed on 10/17/2003.

Claims 1-25 are pending and have been examined.

Information Disclosure Statement

2. The information disclosure statement (IDS) filed on 10/17/2003 and 04/13/2007 are considered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-6, 8-9, and 20-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorbato et al. (US 6,792,617) in view of Logan et al. (US 2003/0093790).

Consider **claims 1 and 20**, Gorbato teaches a programmable video receiver device and method comprising a computer readable medium storing programming code for controlling the device to perform processing (Col 9: lines 14-31) comprising:

storing program metadata that includes descriptive data for television programs and segment metadata that includes descriptive data for individual segments of television programs (Col 6: line 25 – Col 8: line 26 teaches descriptive data for television programs and individual segments of television

programs. Col 8: lines 28-34 teaches sending the descriptive data to the set-top box and later presenting it to the user. *Descriptive data is inherently stored in some type of memory, ie: cache, or permanent memory, prior to presentation to the user.* Col 8: line 62 – Col 9: line 2 teaches retrieving events of interest and matching the to the event notifications to record the segments. *Descriptive data is inherently stored in order for the set-top box to retrieve descriptive data for comparison);*

Gorbatov does not explicitly teach, storing program and individual segment metadata that includes timing data;

receiving a command to display a program banner; and

in response to the command, producing a program banner that is customized to the currently displayed segment of the currently displayed television program, the program banner comprising at least one of descriptive information and timing information from the segment metadata for the currently displayed segment.

In an analogous art Logan teaches, storing program and individual segment metadata that includes timing data (Paragraph 0037, 0317-0318);

receiving a command to display a program banner (Paragraph 0312 teaches pressing a 'segment guide' button to display a segment guide {program banner}); and

in response to the command, producing a program banner that is customized to the currently displayed segment of the currently displayed television program (410, 412 - Fig.4, 510, 520 – Fig.5 *all make up the program banner*; Paragraph 0312, 0314), the program banner comprising at least one of descriptive information and timing information from the segment metadata for the currently displayed segment (Paragraph 0315, 0317, 0319).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Gorbato's system to include storing program and individual segment metadata that includes timing data; receiving a command to display a program banner; and in response to the command, producing a program banner that is customized to the currently displayed segment of the currently displayed television program, the program banner comprising at least one of descriptive information and timing information from the segment metadata for the currently displayed segment, as taught by Logan, for the advantage of providing to the user immediately at their request, extra information on various portions of content and when they will be shown during the programming in order to allow for users to better make better decisions on their desired viewing choices.

Consider **claim 24**, Gorbato teaches a method in a video receiver device comprising:

storing program metadata that includes descriptive data for television programs and segment metadata that includes descriptive data for individual segments of television programs (Col 6: line 25 – Col 8: line 26 teaches descriptive data for television programs and individual segments of television programs. Col 8: lines 28-34 teaches sending the descriptive data to the set-top box and later presenting it to the user. *Descriptive data is inherently stored in some type of memory, ie: cache, or permanent memory, prior to presentation to the user.* Col 8: line 62 – Col 9: line 2 teaches retrieving events of interest and matching the to the event notifications to record the segments. *Descriptive data is inherently stored in order for the set-top box to retrieve descriptive data for comparison*);

Gorbatov does not explicitly teach, storing program and individual segment metadata that includes timing data;

receiving a command to display a program banner;

in response to the command, producing a program banner for the currently displayed television program from the program metadata for the currently displayed program; and

in response to a further command, displaying at least one of descriptive information and timing information from the segment metadata for a currently displayed segment of the program.

In an analogous art Logan teaches, storing program and individual segment metadata that includes timing data (Paragraph 0037, 0317-0318);

receiving a command to display a program banner (Paragraph 0312 teaches pressing a 'segment guide' button to display a segment guide {program banner}); and

in response to the command, producing a program banner for the currently displayed television program from the program metadata for the currently displayed program (410, 412 - Fig.4, 510, 520 – Fig.5 *all make up the program banner*; Paragraph 0312, 0314); and

in response to a further command, displaying at least one of descriptive information and timing information from the segment metadata for a currently displayed segment of the program (Paragraph 0315, 0317, 0319 teaches due to a user's up and down movements {further command} to traverse the segments on the banner, further information such as descriptive information and time information would be display for the selected segment).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Gorbатов's system to include storing program and individual segment metadata that includes timing data; receiving a command to display a program banner; in response to the command, producing a program banner for the currently displayed television program from the program metadata for the currently displayed program; and in response to a further command, displaying at least one of descriptive information and timing information from the segment

metadata for a currently displayed segment of the program, as taught by Logan, for the advantage of providing to the user immediately at their request, extra information on various portions of content and when they will be shown during the programming in order to allow for users to better make better decisions on their desired viewing choices.

Consider **claim 25**, Gorbатов teaches a method in a video receiver device comprising:

storing program metadata that includes descriptive data for television programs and segment metadata that includes descriptive data for individual segments of television programs (Col 6: line 25 – Col 8: line 26 teaches descriptive data for television programs and individual segments of television programs. Col 8: lines 28-34 teaches sending the descriptive data to the set-top box and later presenting it to the user. *Descriptive data is inherently stored in some type of memory, ie: cache, or permanent memory, prior to presentation to the user.* Col 8: line 62 – Col 9: line 2 teaches retrieving events of interest and matching the to the event notifications to record the segments. *Descriptive data is inherently stored in order for the set-top box to retrieve descriptive data for comparison*);

Gorbатов does not explicitly teach, storing program and individual segment metadata that includes timing data;

receiving a command to display information about a currently displayed segment of a currently displayed program; and

in response to the command, displaying at least one of descriptive information and timing information from the segment metadata for the currently displayed segment of the program.

In an analogous art Logan teaches, storing program and individual segment metadata that includes timing data (Paragraph 0037, 0317-0318);

receiving a command to display information about a currently displayed segment of a currently displayed program (Paragraph 0312 teaches pressing a 'segment guide' button to display a segment guide {program banner}; Paragraph 00314-0315 teaches displaying information about a currently display segment of the program); and

in response to the command, displaying at least one of descriptive information and timing information from the segment metadata for the currently displayed segment of the program (410, 412 - Fig.4, 510, 520 – Fig.5 *all make up the program banner*; Paragraph 0312, 0314-0315, 0317, 0319).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify Gorbatov's system to include storing program and individual segment metadata that includes timing data; receiving a command to display information about a currently displayed segment of a currently displayed program; and in response to the command, displaying at least one of descriptive

information and timing information from the segment metadata for the currently displayed segment of the program, as taught by Logan, for the advantage of providing to the user immediately at their request, extra information on various portions of content and when they will be shown during the programming in order to allow for users to better make better decisions on their desired viewing choices.

Consider **claims 2 and 21**, Gorbатов and Logan teach wherein the program banner further comprises fields representing individual segments of the currently displayed program in accordance with said segment metadata (Logan - 520-Fig.5; Paragraph 0319).

Consider **claim 3**, Gorbатов and Logan teach wherein the sizes of the segment fields are proportioned according to start times of the respective segments (Logan - 520-Fig.5; Paragraph 0319, 0328).

Consider **claim 4**, Gorbатов and Logan teach wherein the segment fields contain descriptive information and timing information for corresponding segments (Logan - Fig.5; Paragraph 0319, 0329).

Consider **claims 5 and 22**, Gorbатов and Logan teach wherein the program banner further comprises an indicator that is navigable among said segment fields in response to navigation commands to indicate a particular segment of the program (Logan – Fig.5; Paragraph 0314-0315, 0319, 0328).

Consider **claims 6 and 23**, Gorbатов and Logan teach wherein location of the indicator on a segment field causes display in the program banner of at least one of descriptive information and timing information concerning the segment indicated by the indicator (Logan – Fig.5; Paragraph 0314-0315, 0319, 0328-0329).

Consider **claim 8**, Gorbатов and Logan teach in response to a command, scheduling the recording of a segment indicated by the indicator (Gorbатов - Col 2: lines 35-37; Col 8: lines 37-40); and

recording the segment in accordance with a recording schedule (Col 4: line 56 – Col 5: line 26).

Consider **claim 9**, Gorbатов and Logan teach in response to a command, initiating recording of a segment indicated by the indicator (Gorbатов - Col 5: lines 1-6; Col 8: lines 37-40; Col 8: line 62 – Col 9: line 2).

5. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Gorbatov et al. (US 6,792,617), in view of Logan et al. (US 2003/0093790), and further in view of Reynolds et al. (US 2006/0010469).

Consider **claim 7**, Gorbatov and Logan do not explicitly teach in response to a command, scheduling a reminder for a segment indicated by the indicator; and

providing the reminder in accordance with a reminder schedule.

In an analogous art Reynolds teaches, in response to a command, scheduling a reminder for a segment indicated by the indicator (Paragraph 0111-0112); and

providing the reminder in accordance with a reminder schedule (Paragraph 0110-0112).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Gorbatov and Logan to include in response to a command, scheduling a reminder for a segment indicated by the indicator; and providing the reminder in accordance with a reminder schedule, as taught by Reynolds, for the advantage of bringing to the attention of the user a selected segment they had desired to view, so that they will not forget and miss the desired segment.

6. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Gorbatov et al. (US 6,792,617), in view of Logan et al. (US 2003/0093790), and further in view of Alexander et al. (US 6,177,931).

Consider **claim 10**, Gorbatov and Logan do not explicitly teach in response to a command, updating viewer preferences stored by the device in accordance with segment characteristics represented in the segment metadata of a segment indicated by the indicator.

In an analogous art Alexander teaches, in response to a command, updating viewer preferences stored by the device in accordance with segment characteristics represented in the segment metadata of a segment indicated by the indicator (Alexander - Col 28: lines 30-67 teaches the system records/updates the user profile every time the viewer interacts with the EPG; Gorbatov - Col 5: lines 3-6 teaches selecting events of interests {program segments} using a remote control or a mouse. *It is inherent that there is an indicator for selecting of events {program segments}*; Logan – Fig.5; Paragraph 0314-0315, 0319, 0328).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Gorbatov to include in response to a command, updating viewer preferences stored by the device in accordance with segment characteristics represented in the segment metadata of a segment indicated by the indicator, as taught by Alexander, for the advantage of providing the system with continuously updated user taste information, in order for the system to

provide the user with the most up to date and most relevant programming selections tailored to the user.

7. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Gorbatov et al. (US 6,792,617), in view of Logan et al. (US 2003/0093790), in view of Herrington (US 6,865,746), and further in view of Alexander et al. (US 6,177,931).

Consider **claim 11**, Gorbatov and Logan do not explicitly teach in response to a command, presenting a user interface that displays segment characteristics represented in the segment metadata of a segment indicated by the indicator;

receiving user selections with respect to the displayed segment characteristics; and

updating viewer preferences in accordance with the user selections.

In an analogous art Herrington teaches, in response to a command, presenting a user interface that displays segment characteristics represented in the segment metadata of a segment indicated by the indicator; (Herrington - Col 8: line 51 – Col 9: line 15 teaches displaying characteristics of the current programming selection. Gorbatov - Col 5: lines 3-6 teaches selecting events of interests {program segments} using a remote control or a mouse. *It is inherent that there is an indicator for selecting of events {program segments}*; Logan – Fig.5; Paragraph 0314-0315, 0319, 0328);

receiving user selections with respect to the displayed segment characteristics (Herrington - Col 8: line 51 – Col 9: line 15 teaches receiving user selection for displayed characteristics of the selected programming. Gorbatov - Col 5: lines 3-6 teaches selecting events of interests {program segments} using a remote control or a mouse; Logan – Fig.5; Paragraph 0314-0315, 0319, 0328);

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Gorbatov and Logan, to include in response to a command, presenting a user interface that displays segment characteristics represented in segment metadata of a segment indicated by an indicator; receiving user selections with respect to the displayed segment characteristics, as taught by Herrington, for the advantage of providing the user with a quick and easy way to customize search of programming choices similar programming to the selected programming of their taste.

Gorbatov, Logan, and Herrington do not explicitly teach updating viewer preferences in accordance with the user selections.

In an analogous art, Alexander teaches updating viewer preferences in accordance with the user selections (Alexander – Col 28: lines 30-67 teaches the system records/updates the user profile every time the viewer interacts with the EPG).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Gorbatov, Logan, and Herrington to include updating

viewer preferences in accordance with the user selections, as taught by Alexander, for the advantage of providing the system with continuously updated user taste information, in order for the system to provide the user with the most up to date and most relevant programming selections tailored to the user.

8. **Claims 12-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorbатов et al. (US 6,792,617), in view of Logan et al. (US 2003/0093790), and further in view of Herrington (US 6,865,746)

Consider **claim 12**, Gorbатов and Logan do not explicitly teach in response to a command, identifying and displaying to the user additional segments and programs having characteristics in common with characteristics represented in the segment metadata of a segment indicated by the indicator.

In an analogous art Herrington teaches, in response to a command, identifying and displaying to the user additional segments and programs having characteristics in common with characteristics represented in the segment metadata of a segment indicated by the indicator (Herrington - Col 8: line 51 – Col 9: line 33 teaches displaying characteristics of the current programming selection and displaying programming that may be related to the characteristics of the current programming. Gorbатов - Col 5: lines 3-6 teaches selecting events of interests {program segments} using a remote control or a mouse. *It is inherent that there is an indicator for selecting of events {program segments}*; Logan – Fig.5; Paragraph 0314-0315, 0319, 0328).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Gorbатов and Logan to include in response to a command, identifying and displaying to the user additional segments and programs having characteristics in common with characteristics represented in the segment metadata of a segment indicated by the indicator, as taught by Herrington, for the advantage of for the advantage of providing the user with a quick and easy customizable way to obtain similar programming to the selected programming of their taste.

Consider **claim 13**, Gorbатов and Logan do not explicitly teach in response to a command, presenting a user interface that displays segment characteristics represented in the segment metadata of a segment indicated by the indicator;

receiving user selections with respect to the displayed segment characteristics; and

identifying and displaying to the user additional segments and programs having characteristics in common with the selected segment characteristics.

In an analogous art Herrington teaches, in response to a command, presenting a user interface that displays segment characteristics represented in segment metadata of a segment indicated by an indicator (Herrington - Col 8: line 51 – Col 9: line 33 teaches displaying characteristics of the current

programming selection and displaying programming that may be related to the characteristics of the current programming. Gorbатов - Col 5: lines 3-6 teaches selecting events of interests {program segments} using a remote control or a mouse. *It is inherent that there is an indicator for selecting of events {program segments}*; Logan – Fig.5; Paragraph 0314-0315, 0319, 0328).

receiving user selections with respect to the displayed segment characteristics (Herrington - Col 8: line 51 – Col 9: line 15 teaches receiving user selection for displayed characteristics of the selected programming; Gorbатов - Col 5: lines 3-6 teaches selecting events of interests {program segments} using a remote control or a mouse; Logan – Fig.5; Paragraph 0314-0315, 0319, 0328); and

identifying and displaying additional programming having characteristics in common with the selected segment characteristics (Herrington - Col 9: lines 16-33; Gorbатов - Col 5: lines 3-6 teaches selecting events of interests {program segments} using a remote control or a mouse; Logan – Fig.5; Paragraph 0314-0315, 0319, 0328).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Gorbатов and Logan, to include in response to a command, presenting a user interface that displays segment characteristics represented in segment metadata of a segment indicated by an indicator; receiving user selections with respect to the displayed segment characteristics; and identifying and displaying additional programming having characteristics in

common with the selected segment characteristics, as taught by Herrington, for the advantage of providing the user with a quick and easy customizable way to obtain similar programming to the selected programming of their taste.

9. **Claims 14-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorbатов et al. (US 6,792,617), in view of Logan et al. (US 2003/0093790), and further in view of Lemmons et al. (US 6,481,011).

Consider **claim 14**, Gorbатов and Logan do not explicitly teach interest level information indicating a level of viewer interest in a segment indicated by the indicator.

In an analogous art Lemmons teaches, interest level information indicating a level of viewer interest in a segment indicated by the indicator (Lemmons – Col 7: lines 16-55, Col 9: lines 1-20, 35-42 teaches indicating the level of viewer interest via color coding. Gorbатов - Col 5: lines 3-6 teaches selecting events of interests {program segments} using a remote control or a mouse. *It is inherent that there is an indicator for selecting of events {program segments}*; Logan – Fig.5; Paragraph 0314-0315, 0319, 0328).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Gorbатов and Logan to include interest level information indicating a level of viewer interest in a segment indicated by the indicator, as taught by Lemmons, for the advantage of allowing the user to

quickly ascertain as to whether or not it is worth their time in viewing a particular programming.

Consider **claim 15**, Gorbatov, Logan, and Lemmons teach wherein the interest level information includes a color code representing the level of viewer interest (Lemmons - Col 9: lines 1-20, 35-42).

Consider **claim 16**, Gorbatov, Logan, and Lemmons teach wherein the interest level information includes at least one of a category and a keyword used in determining the level of interest (Lemmons - Col 9: lines 2-7).

Consider **claim 17**, Gorbatov and Logan do not explicitly teach interest level information indicating respective levels of viewer interest in respective segments of the program.

In an analogous art Lemmons teaches, interest level information indicating respective levels of viewer interest in respective segments of a program (Lemmons – Col 7: lines 16-55, Col 9: lines 1-20, 35-42 teaches indicating higher level of interest if programming is highlighted in more than one color, meeting more than one criterion. Gorbatov - Col 5: lines 3-6 teaches selecting events of interests {program segments} using a remote control or a mouse. *It is inherent*

that there is an indicator for selecting of events {program segments}. Logan – Fig.5; Paragraph 0314-0315, 0319, 0328).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Gorbatov and Logan to include interest level information indicating respective levels of viewer interest in respective segments of a program, as taught by Lemmons, for the advantage of allowing the user to quickly ascertain what particular programming best matches their viewing desires best.

Consider **claim 18**, Gorbatov, Logan, and Lemmons teach wherein the interest level information includes a color code representing the level of viewer interest (Lemmons - Col 9: lines 1-20, 35-42).

Consider **claim 19**, Gorbatov, Logan, and Lemmons teach wherein the interest level information includes at least one of a category and a keyword used in determining the level of interest (Lemmons - Col 9: lines 2-7).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON K. LIN whose telephone number is (571)270-1446. The examiner can normally be reached on Mon-Fri, 9:00AM-6:00PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian T. Pendleton can be reached on (571)272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason Lin

05/02/2008

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2623